

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1509

Chapter 253, Laws of 2005

59th Legislature
2005 Regular Session

PROPERTY TAX EXEMPTION--WIDOWS OR WIDOWERS OF VETERANS

EFFECTIVE DATE: 7/24/05

Passed by the House April 23, 2005
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 23, 2005
Yeas 44 Nays 0

BRAD OWEN

President of the Senate

Approved May 3, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1509** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 3, 2005 - 4:47 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1509

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Finance (originally sponsored by Representatives Green, Conway, Orcutt, Appleton, Morrell, O'Brien, Lovick, McCoy, Kilmer, Kessler, McDermott, Campbell, Simpson, Hunt, Chase, P. Sullivan, Sells, Kirby, Kenney, Linville and Kagi; by request of Governor Gregoire)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to a property tax exemption for widows or widowers
2 of honorably discharged veterans; amending RCW 82.03.130; adding a new
3 chapter to Title 84 RCW; creating a new section; and making
4 appropriations.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A person is entitled to a property tax
7 exemption in the form of a grant as provided in this chapter. The
8 person is entitled to assistance for the payment of all or a portion of
9 the amount of excess and regular real property taxes imposed on the
10 person's residence in the year in which a claim is filed in accordance
11 with the following:

12 (1) The claimant must meet all requirements for an exemption for
13 the residence under RCW 84.36.381, other than the income limits under
14 RCW 84.36.381.

15 (2)(a) The person making the claim must be:

16 (i) Sixty-two years of age or older on December 31st of the year in
17 which the claim is filed, or must have been, at the time of filing,
18 retired from regular gainful employment by reason of physical
19 disability; and

1 (ii) A widow or widower of a veteran who:
2 (A) Died as a result of a service-connected disability;
3 (B) Was rated as one hundred percent disabled by the United States
4 veterans' administration for the ten years prior to his or her death;
5 (C) Was a former prisoner of war as substantiated by the United
6 States veterans' administration and was rated as one hundred percent
7 disabled by the United States veterans' administration for one or more
8 years prior to his or her death; or
9 (D) Died on active duty or in active training status as a member of
10 the United States uniformed services, reserves, or national guard; and
11 (b) The person making the claim must not have remarried.
12 (3) The claimant must have a combined disposable income of forty
13 thousand dollars or less.
14 (4) The claimant must have owned, at the time of filing, the
15 residence on which the real property taxes have been imposed. For
16 purposes of this subsection, a residence owned by cotenants shall be
17 deemed to be owned by each cotenant. A claimant who has only a share
18 ownership in cooperative housing, a life estate, a lease for life, or
19 a revocable trust does not satisfy the ownership requirement.
20 (5) A person who otherwise qualifies under this section is entitled
21 to assistance in an amount equal to regular and excess property taxes
22 imposed on the difference between the value of the residence eligible
23 for exemption under RCW 84.36.381(5) and:
24 (a) The first one hundred thousand dollars of assessed value of the
25 residence for a person who has a combined disposable income of thirty
26 thousand dollars or less;
27 (b) The first seventy-five thousand dollars of assessed value of
28 the residence for a person who has a combined disposable income of
29 thirty-five thousand dollars or less but greater than thirty thousand
30 dollars; or
31 (c) The first fifty thousand dollars of assessed value of the
32 residence for a person who has a combined disposable income of forty
33 thousand dollars or less but greater than thirty-five thousand dollars.
34 (6) As used in this section:
35 (a) "Veteran" has the same meaning as provided under RCW 41.04.005.
36 (b) The meanings attributed in RCW 84.36.383 to the terms
37 "residence," "combined disposable income," "disposable income," and
38 "disability" apply equally to this section.

1 NEW SECTION. **Sec. 2.** (1) Each claimant applying for assistance
2 under section 1 of this act shall file a claim with the department, on
3 forms prescribed by the department, no later than thirty days before
4 the tax is due. The department may waive this requirement for good
5 cause shown. The department shall supply forms to the county assessor
6 to allow persons to apply for the program at the county assessor's
7 office.

8 (2) The claim shall designate the property to which the assistance
9 applies and shall include a statement setting forth (a) a list of all
10 members of the claimant's household, (b) facts establishing the
11 eligibility under this section, and (c) any other relevant information
12 required by the rules of the department. Each copy shall be signed by
13 the claimant subject to the penalties as provided in chapter 9A.72 RCW
14 for false swearing. The first claim shall include proof of the
15 claimant's age acceptable to the department.

16 (3) The following documentation shall be filed with a claim along
17 with any other documentation required by the department:

18 (a) The deceased veteran's DD 214 report of separation, or its
19 equivalent, that must be under honorable conditions;

20 (b) A copy of the applicant's certificate of marriage to the
21 deceased;

22 (c) A copy of the deceased veteran's death certificate; and

23 (d) A letter from the United States veterans' administration
24 certifying that the death of the veteran meets the requirements of
25 section 1(2) of this act.

26 The department of veterans affairs shall assist an eligible widow
27 or widower in the preparation and submission of an application and the
28 procurement of necessary substantiating documentation.

29 (4) The department shall determine if each claimant is eligible
30 each year. Any applicant aggrieved by the department's denial of
31 assistance may petition the state board of tax appeals to review the
32 denial and the board shall consider any appeals to determine (a) if the
33 claimant is entitled to assistance and (b) the amount or portion
34 thereof.

35 NEW SECTION. **Sec. 3.** (1) Claims for assistance for all years
36 following the first year may be made by filing with the department no

1 later than thirty days before the tax is due a renewal form in
2 duplicate, prescribed by the department, that affirms the continued
3 eligibility of the claimant.

4 (2) In January of each year, the department shall send to each
5 claimant who has been granted assistance for the previous year renewal
6 forms and notice to renew.

7 NEW SECTION. **Sec. 4.** If the claimant is unable to make his or her
8 own claim, it may be made by a duly authorized agent or by a guardian
9 or other person charged with care of the person or property of the
10 claimant.

11 NEW SECTION. **Sec. 5.** If the claimant receiving assistance under
12 section 1 of this act ceases to reside permanently on the property for
13 which the claim is made between the date of filing the declaration and
14 December 15th of that year, the amount of assistance otherwise
15 allowable under section 1 of this act shall not be allowed for that
16 portion of the year in which the claimant was not qualified, and that
17 amount shall constitute a lien on the property in favor of the state
18 and shall have priority as provided in chapter 84.60 RCW until repaid
19 to the department.

20 NEW SECTION. **Sec. 6.** (1) The department shall consult with the
21 appropriate county assessors and county treasurers to determine the
22 amount of assistance to which each claimant is eligible and the
23 appropriate method of providing the assistance. The department shall
24 pay, from amounts appropriated for this purpose, to the claimant, the
25 claimant's mortgage company, or the county treasurer, as appropriate
26 for each claimant, the amount of assistance to which the claimant is
27 entitled under section 1 of this act.

28 (2) The department shall request in its biennial budget request an
29 appropriation to satisfy its obligations under this section.

30 **Sec. 7.** RCW 82.03.130 and 1998 c 54 s 1 are each amended to read
31 as follows:

32 (1) The board shall have jurisdiction to decide the following types
33 of appeals:

34 (a) Appeals taken pursuant to RCW 82.03.190.

1 (b) Appeals from a county board of equalization pursuant to RCW
2 84.08.130.

3 (c) Appeals by an assessor or landowner from an order of the
4 director of revenue made pursuant to RCW 84.08.010 and 84.08.060, if
5 filed with the board of tax appeals within thirty days after the
6 mailing of the order, the right to such an appeal being hereby
7 established.

8 (d) Appeals by an assessor or owner of an intercounty public
9 utility or private car company from determinations by the director of
10 revenue of equalized assessed valuation of property and the
11 apportionment thereof to a county made pursuant to chapter 84.12 and
12 84.16 RCW, if filed with the board of tax appeals within thirty days
13 after mailing of the determination, the right to such appeal being
14 hereby established.

15 (e) Appeals by an assessor, landowner, or owner of an intercounty
16 public utility or private car company from a determination of any
17 county indicated ratio for such county compiled by the department of
18 revenue pursuant to RCW 84.48.075: PROVIDED, That

19 (i) Said appeal be filed after review of the ratio under RCW
20 84.48.075(3) and not later than fifteen days after the mailing of the
21 certification; and

22 (ii) The hearing before the board shall be expeditiously held in
23 accordance with rules prescribed by the board and shall take precedence
24 over all matters of the same character.

25 (f) Appeals from the decisions of sale price of second class
26 shorelands on navigable lakes by the department of natural resources
27 pursuant to RCW 79.94.210.

28 (g) Appeals from urban redevelopment property tax apportionment
29 district proposals established by governmental ordinances pursuant to
30 RCW 39.88.060.

31 (h) Appeals from interest rates as determined by the department of
32 revenue for use in valuing farmland under current use assessment
33 pursuant to RCW 84.34.065.

34 (i) Appeals from revisions to stumpage value tables used to
35 determine value by the department of revenue pursuant to RCW 84.33.091.

36 (j) Appeals from denial of tax exemption application by the
37 department of revenue pursuant to RCW 84.36.850.

38 (k) Appeals pursuant to RCW 84.40.038(3).

1 (1) Appeals pursuant to section 2 of this act.

2 (2) Except as otherwise specifically provided by law hereafter, the
3 provisions of RCW 1.12.070 shall apply to all notices of appeal filed
4 with the board of tax appeals.

5 NEW SECTION. Sec. 8. (1) The sum of ninety-three thousand
6 dollars, or as much thereof as may be necessary, is appropriated from
7 the general fund to the department of revenue for the fiscal year
8 ending June 30, 2006, to carry out the purposes of this act.

9 (2) The sum of one hundred eighty-three thousand dollars, or as
10 much thereof as may be necessary, is appropriated from the general fund
11 to the department of revenue for the fiscal year ending June 30, 2007,
12 to carry out the purposes of this act.

13 NEW SECTION. Sec. 9. This act applies to taxes levied for
14 collection in 2006 and thereafter.

15 NEW SECTION. Sec. 10. Sections 1 through 6 of this act constitute
16 a new chapter in Title 84 RCW.

Passed by the House April 23, 2005.

Passed by the Senate April 23, 2005.

Approved by the Governor May 3, 2005.

Filed in Office of Secretary of State May 3, 2005.